THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.5137 OF 2005

Between:

Chunchu Hymavathi

……Petitioner

Vs.

The District Collector, Khammam and three others

….Respondents

Dt.08.09.2005

O R D E R:

This writ petition has been filed by C.Hymavathi with a prayer to issue an order or direction more particularly one in the nature of writ of Mandamus directing respondents 1 to 3 to submit the petitioner's verification and entitlement report to the fourth respondent for grant of freedom fighters pension on par with the similarly situated persons.

The petitioner is aged 75 years. She submitted an application to the respondents claiming pension under Swatantra Sainik Samman Pension Scheme. Respondent Nos. 1 to 3 have to submit the identification and entitlement report to the fourth respondent. As no action has been taken by respondents 1 to 3, the petitioner has chosen to approach this Court by invoking the jurisdiction under Article 226 of the Constitution of India with a prayer stated supra.

Counter affidavit has been filed by the fourth respondent. One S.K.Kohli has sworn in to the counter affidavit. It is stated in the counter affidavit that the case of the petitioner has been referred back to the State Government to get the genuineness

verified and therefore, the matter is rested with the State Government.

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for respondent No.4 and the learned Government Pleader for Revenue appearing for respondent Nos. 1 to 3. The petitioner submitted the application for grant of pension under Swatantra Sainik Sammam Pension Scheme 1980. Respondents 1 to 3 have to submit verification report to the Central Government on the application submitted by the petitioner with regard to her entitlement. No report seems to have been sent by respondents 1 to 3.

Such is the situation, I deem it appropriate to direct respondent Nos. 1 to 3 to submit the report to the fourth respondent so as to enable the fourth respondent to consider the application of the petitioner for sanction of the pension under Swatantra Sainik Samman Pension Scheme and pass appropriate orders within two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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B.SESHASAYANA REDDY J.,

Dt.08.09.2005

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